

REMARKS

Claims 8 through 11, 15, 16, 19, 23 through 28 and 34 through 37 have been cancelled. Claims 1 through 7, 12 through 14, 17, 18, 20 through 22 and 29 through 33 have been amended. Claims 38 through 42 have been added. Claims 1 through 7, 12 through 14, 17, 18, 20 through 22, 29 through 33, and 38 through 42 remain in this application for active consideration.

In connection with the foregoing, it is to be noted that at the time the February 4, 2003 amendment and the May 22, 2003 response were filed in connection with the above-identified application, applicants' undersigned attorney was unaware that an amendment had been filed in the PCT application before the present national phase application was filed in the United States Patent and Trademark Office and was under the impression that the application included the claims appearing in international publication WO 00/60191. In the PCT amendment, certain of the original claims were cancelled and others were rearranged and renumbered. As a consequence, the February 4, 2003 amendment was based on the 40 claims appearing in the original PCT application rather than the 37 claims of the amended PCT application and claims which applicant did not intend to cancel were cancelled. Due to the confusion caused by applicants' attorney's misunderstanding of the status of the application, applicants respectfully ask the Office to totally disregard the amendments proposed and the arguments made in the February 4, 2003 amendment and the May 22, 2003 response and to accept and enter the present supplemental amendment as a full and complete response to the November 4, 2002 and April 23, 2003 official actions.

In the official action of November 4, 2002, the examiner objected to the drawings, objected to claims 8, 10 through 18, 26 through 28 and 32, rejected claims 1 through 10, 19

through 25 and 29 through 37 under 35 U.S.C. §112, rejected claims 1, 2, 19, 20, 30 and 34 under 35 U.S.C. § 102(e) and rejected claims 3 through 10, 21 through 25, 29 and 35 through 37 under 35 U.S.C. § 103(a). Applicants respectfully traverse the stated objections and rejections and submit that in view of the foregoing amendments and the following remarks, this application is now in condition for allowance.

With regard to the objection to the drawings, a new sheet (1/9) of drawings including reference numeral 102 in Figure 1 is attached. In addition, new sheets of drawings (2/9 and 3/9) including correction of several minor typographical errors and omissions in Figures 2a and 3 are attached. In particular, Figure 2a has been modified by changing reference numeral 136 to 137 and Figure 3 has been modified by adding reference numeral 121 and changing reference numeral 136 to 137. It is respectfully requested that the examiner approve the corrections included in the attached new sheets of drawings.

Regarding the objections to the original claims, claims 8, 10, 11, 15, 16 and 26 through 28 have all been cancelled, claims 12, 13, 14, 17 and 18 have all been amended so as to avoid any improper multiple dependencies and claim 32 has been amended so as to obviate the double recitation of the phrase “of the lid.”

With regard to the rejection of claims 1 through 10, 19 through 25 and 29 through 37 under 35 U.S.C. § 112, second paragraph, claims 8 through 10, 19, 23 through 25, 29 and 34 through 37 have all been cancelled and claims 1 through 7, 20 through 22 and 30 through 33 have all been amended so comply fully with the requirements of 35 U.S.C. § 112, second paragraph.

Regarding the art rejections, remaining claims 1, 2, 20 and 30 were rejected as being anticipated by Riedy et al., remaining claims 3 through 7 and 21 were rejected as being

unpatentable over Riedy et al., and remaining claim 22 was rejected as being unpatentable over Riedy et al. in view of UK Patent Publication GB 2229222 A. But the date of Riedy et al. as a reference under 35 U.S.C. § 102(e) can be no earlier than its November 5, 1999 filing date, whereas the claims remaining in this application are fully supported by and therefore entitled to the priority of Australian application no. PP 9550 filed March 31, 1999. In this latter regard, it is to be noted that an appropriate claim for priority has been made in this application in the joint declaration signed by the inventors and filed on February 12, 2002. In addition, and pursuant to 37 C.F.R. 1.55(a)(1)(ii), an appropriate claim for priority was timely made and a certified copy of the priority application was timely filed in international application PCT/AU00/00280, of which the present application is a national stage application. A copy of Australian application no. PP 9550 was submitted with the February 4, 2003 amendment for the convenience of the examiner. In sum, since Riedy et al. is not prior art against the present application, all prior art rejections based thereon should be withdrawn.

Regarding the rejection of claim 29 as being unpatentable over UK Patent Publication GB 2229222 A, as is clearly disclosed in the specification at page 10, line 30 through page 11, line 5, the rib of claim 29 acts as an edge trim for a floor covering. Moreover, as is clearly spelled out in claim 29, the chamfered edges on the rib and the lid provide a waterproof sealing fit. These features are neither disclosed or suggested in UK Patent Publication GB 2229222 A. Accordingly it is clear that claim 29 is patentable over UK Patent Publication GB 2229222 A.

Fewer independent claims and fewer claims total remain in this application than when the same was originally filed. Accordingly, it is submitted that no additional filing fee is due as a result of the foregoing amendments.

In view of the foregoing amendments and remarks, it submitted that it is clear that the claims remaining for active consideration in this application are free of the cited art, in full compliance with the patent statutes, rules and regulations regarding formalities, and in condition for allowance. Accordingly, favorable action at an early date will be appreciated. If the examiner is of the view that any issue remains unresolved, it is respectfully suggested that applicants' undersigned attorney may be contacted by telephone at the number set forth below.

Respectfully submitted,



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